

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREG GROTEMEYER,

Plaintiff,

v.

DEPARTMENT OF TREASURY
INTERNAL REVENUE SERVICE,

Defendant.

Case No. 1:21-cv-01764-NONE-EPG

ORDER RE: NOTICE OF VOLUNTARY
DISMISSAL OF ENTIRE ACTION

(ECF No. 4)

Plaintiff Greg Grotemeyer (“Plaintiff”), a state prisoner proceeding *pro se*, filed his complaint on December 13, 2021, along with a motion to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1, 2.) On December 16, 2021, the Court entered an order denying Plaintiff’s motion to proceed IFP without prejudice because Plaintiff only submitted the first page of his IFP application. (ECF No. 3.) The Court directed Plaintiff to submit another completed IFP application or to pay the filing fee within 30 days. (*Id.*)

On January 3, 2021, Plaintiff filed a request that his case be “discontinued” because he “no longer wants to proceed with [the] Complaint[.]” (ECF No. 4.) Plaintiff also requests that no fees be charged against him because he does not have the finances to pay. (*Id.*)

The Court construes Plaintiff’s January 3, 2021 filing as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).¹ Therefore, this action has been terminated. Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th

¹ Plaintiff does not state whether the dismissal is with or without prejudice. (*See* ECF No. 4.) “Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.” Fed. R. Civ. P. 41(a)(1)(B).

1 Cir. 1997).² Accordingly, the Clerk of Court is respectfully directed to assign a district judge to
2 this case for the purposes of closing the case and then to close the case.

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4 IT IS SO ORDERED.

5 Dated: **January 4, 2022**

6 /s/ Eric P. Grogan
7 UNITED STATES MAGISTRATE JUDGE
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² As Plaintiff's case has been dismissed, no filing fees have been charged.